

**Federal Defenders
OF NEW YORK, INC.**

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August 10, 2023

BY ECF & EMAIL

MEMORANDUM ENDORSED

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States v. Mariela Toribio Duarte
23 Mag. 5642 (UA)**

Dear Judge Gorenstein:

I write, with the consent the government, to respectfully request a modification of Mariela Toribio Duarte's bail conditions to allow her to visit her sister's apartment in the same apartment building where she lives to babysit her sister's children. Pretrial services objects to this request as a matter of policy.

On August 1, 2023, Ms. Toribio Duarte was presented in Magistrate Court before Judge James L. Cott. The parties agreed to the following bail conditions:

\$100,000 personal recognizance bond to be co-signed by two financially responsible persons; compliance with pretrial services supervision as directed; travel restricted to the SDNY/EDNY; surrender all travel documents with no new applications; home incarceration enforced by GPS location monitoring; submit to urinalysis and if positive, add condition of drug testing/treatment; and no possession of a firearm/destructive devices/other weapon.

Ms. Toribio Duarte was ordered detained pending compliance with the conditions of the bond.

On August 4, 2023, Ms. Toribio Duarte complied with the conditions of the bond and was released. On August 7, Your Honor granted Ms. Toribio Duarte's request to modify her bail conditions to allow pretrial services the discretion to decide which location monitoring technology is appropriate. Pretrial services has confirmed that Ms. Toribio Duarte has been compliant with all conditions of release.

When the parties first discussed Ms. Toribio Duarte's bail conditions on August 1, 2023, settling on conditions that included home incarceration, pretrial services was under the impression that Ms. Toribio Duarte lived with her sister and watched her sister's children during the day in

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that apartment. Ms. Toribio Duarte has since clarified that she and her sister live in the same apartment building, but separate apartments. Therefore, under the current conditions of Ms. Toribio Duarte's release, she cannot watch her sister's children during the day as the parties had anticipated when her bail conditions were originally set.

For this reason, Ms. Toribio Duarte respectfully requests that the Court modify the bond to allow Ms. Toribio Duarte to go to her sister's apartment in her apartment building to watch her sister's children during the day. The government consents to this request.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

Counsel for Mariela Toribio Duarte

cc: Counsel of record

In light of the Government's consent, this request for a modification is granted.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

August 11, 2023